

REMARKS

The application has been carefully reviewed in light of the Office Action dated December 16, 2009. Claims 4 to 7, 50, and 51 are in the application, of which Claims 4 and 5 are independent. Claim 7 is withdrawn from consideration. Claims 8 to 49 have been cancelled without prejudice. Claims 50 and 51 have been newly added. Reconsideration and further examination are respectfully requested.

Claims 4 to 6 were objected to as containing non-elected subject matter. When the application is otherwise in condition for allowance, Applicants will consider the possibility of deleting the non-elected subject matter from the claims.

Claims 4 to 6 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,474,796 (Brennan). These rejections are respectfully traversed.

According to a feature of the claims as recited by Claim 4, the probe set comprises an oligonucleotide consisting of SEQ ID No. 1 or the complementary sequence thereof, and an oligonucleotide consisting of one of SEQ ID Nos. 2 to 14 or the complementary sequence thereof.

According to a feature of the claims as recited by Claim 5, the different types of oligonucleotides consist of SEQ ID No. 1 or the complementary sequence thereof, and one of SEQ ID Nos. 2 to 14 or the complementary sequence thereof.

By virtue of the above-discussed features, it is possible to detect *Staphylococcus aureus* from a sample, even if the sample includes an infecting organism other than *Staphylococcus aureus*.

Brennan is not seen to disclose or suggest at least the above-discussed features.

Brennan is merely seen to disclose 10-mer oligonucleotides consisting of 10 base sequences.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the claims and are dependent from the independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

With respect to non-elected Claim 7, rejoinder of this claim is respectfully requested upon the allowance of Claim 6, pursuant to MPEP § 821.04(b).

Finally, it is noted that Information Disclosure Statements were filed on December 30, 2009 and February 11, 2010. Consideration of the documents cited therein is respectfully requested.

No fees are believed due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

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